

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SAMUEL TURNER POOLE,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 99-635-SLR
)	
STAN TAYLOR, and)	
RAPHAEL WILLIAMS,)	Jury Trial Demanded
)	
)	
Defendants.)	

**STATE DEFENDANTS' OPPOSITION TO PLAINTIFF'S
MOTION TO COMPEL DISCOVERY**

COMES NOW, State Defendants by and through undersigned counsel and responds to *Plaintiff's Motion to Compel Discovery* as follows:

1. The Plaintiff's *Motion to Compel Discovery* should be dismissed as premature. Rule, 33(b)(1), 34(b) and 36(a) of the Federal Rules of Civil Procedure provide 30 days from the date of receipt in which to respond to the request for discovery.
2. State Defendants were served with the Plaintiff's Requests for Discovery on October 14, 2005 (see D.I. 72, 73), making discovery due to the Plaintiff on or before November 13, 2005.

Accordingly, dismissal of the Plaintiff's *Motion to Compel Discovery* is appropriate.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ Richard W. Hubbard
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Date: November 9, 2005

Attorney for defendants

CERTIFICATE OF MAILING AND/OR DELIVERY

The undersigned certifies that on November 08, 2005, he caused the attached *Defendants' Opposition to Plaintiff's Motion to Compel Discovery* to be delivered to the following persons in the form and manner indicated:

NAME AND ADDRESS OF RECIPIENT(S):

Samuel T. Poole
BN-5599
P.O. Box 1000
Houtzdale, Pa 16698-1000

MANNER OF DELIVERY:

_____ One true copy by facsimile transmission to each recipient
_____ X Two true copies by first class mail, postage prepaid, to each recipient
_____ Two true copies by Federal Express
_____ Two true copies by hand delivery to each recipient

/s/ Richard W. Hubbard
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